

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**WRIT PETITION NO. 5539 OF 2010**  
**(Sharad Gangadhar Khandkekar and others Vs. The State of Maharashtra and others)**

----

Mr. H.K. Munde, Advocate for the Petitioners  
Mr. V.H. Dighe, A.G.P. for respondent Nos. 1 and 2  
None for respondent No. 3 though duly served  
Mr. Sushant V. Dixit, Advocate for respondent  
Nos. 4 and 5

----

**CORAM : S.S. SHINDE AND**  
**SANGITRAO S. PATIL, JJ.**

**DATE : 10<sup>th</sup> JUNE, 2016**

**PER COURT :**

1. Heard.
2. The learned counsel appearing for the petitioners submits that the separate applications filed by the petitioners before the Grievance Redressal Committee, except the applications of petitioner Nos. 1 and 19, for grant of payment of encashment of earned leave, have been rejected on the ground of delay.
3. It is submitted that petitioner Nos. 1 and 19 are similarly situated and at one and the same time, all the petitioners had filed applications for grant of

leave encashment towards earned leave to the credit of the petitioners. However, on merits, the Committee has entertained the applications of petitioner Nos. 1 and 19 only and allowed their claims. The learned counsel for the petitioners, therefore, submits that the applications filed by the other petitioners also ought to have been entertained by the Grievances Redressal Committee.

4. On the other hand, the learned counsel appearing for respondent Nos. 4 and 5 relying upon the judgment of the Division Bench of this Court in the case of ***Maharashtra Shikshan Samiti, Amravati and another Vs. State of Maharashtra and others 2010 (4) Mh.L.J. 365***, submits that there is inordinate delay in filing the applications by the petitioners before the Grievance Redressal Committee and therefore, the Committee has rightly rejected the applications on the ground of delay.

5. We have heard the submissions advanced by the learned counsel for the petitioners, learned counsel for respondent Nos. 4 and 5 and the learned A.G.P. for the State.

6. Since the applications of petitioner Nos. 1 and 19 were entertained by the Grievances Redressal Committee, though said applications were filed alongwith the other petitioners, the applications of other petitioners should not have been rejected on the ground of limitation and the Committee ought to have decided those applications on merits. In that view of the matter, the impugned order passed by the Grievances Redressal Committee deserves to be quashed and set aside.

7. Accordingly, the order passed by the Grievances Redressal Committee, rejecting the applications of petitioner Nos. 2 to 18 and 20 to 23, is quashed and set aside. The applications of these petitioners are restored to the file. The Grievances Redressal Committee is directed to consider the said applications on merits thereof, without going into the issue of delay, as expeditiously as possible; however, within a period of three months from today and communicate the decision so taken to the petitioners. The writ petition stands partly allowed and disposed of.

8. The parties to act on authenticated copy of this order.

**[SANGITRAO S. PATIL]**  
**JUDGE**

**[S.S. SHINDE]**  
**JUDGE**

npj/wp5539-2010